

Land Gains, Land Losses: The Odyssey of African Americans Since Reconstruction

WAYMON R. HINSON

ABSTRACT. The history of African American land acquisition and dispossession is a long and torturous story from the shores of Africa, through the Middle Passage, to enslavement in America in both urban and rural settings, and into the complexities of freedom under Reconstruction and Jim Crow. Prior to enslavement, Africans lived in agricultural settings. Despite the horrors of slavery, their cultural attachment to the land in their homelands would prove beneficial after emancipation. Developing an agrarian spirit and accumulating land at a rate beyond that of whites in the first few decades of freedom, despite seemingly insurmountable obstacles, black land ownership peaked in the early 1900s. Thereafter, African Americans began to lose their land faster than whites. This article explores the larger context of the South, the creativity African Americans showed in resistance and in declaring themselves human, the movement toward land ownership, and the ways and means by which African Americans lost their land. Narrative and data reveal the complexities and the lived experience of African Americans.

Introduction: Beginning the Torturous Journey

The challenges of land ownership for African Americans and the dispossession of that land are deeply embedded within the history of

¹Former Professor of Marriage and Family Therapy at Abilene Christian University and Associate Professor of Social Sciences at Ohio Valley University. Co-author of “We Didn’t Get Nothing: The Plight of Black Farmers” (2008) and other articles and book chapters in the area of marriage and family therapy. Numerous presentations at conferences on topics such as social justice, black farmers, and American Indians. Co-developing a documentary on key black farmer legal cases that preceded the *Pigford* class action suit. Specialty is the impact of the struggles with the USDA on the health and well-being of African American farmers and families. Consultant to the Black Farmers & Agriculturalists Association of Tillery, NC.

American Journal of Economics and Sociology, Vol. 77, Nos. 3–4 (May-September, 2018).

DOI: 10.1111/ajes.12233

© 2018 The American Journal of Economics and Sociology, Inc.

the United States. This article is an attempt to describe a formerly enslaved people's struggles and successes of owning land within the context of a system that was designed to keep them subservient and landless. Though impossible to accurately depict the depth of the degradation of bondage and its egregious mistreatment of humans, the voices of those who found freedom from slavery are presented. Some developed ingenious ways and means of gaining a small degree of independence despite insurmountable odds, including slave codes. These reflections of their entrepreneurial spirits have implications for their eventual ownership of both property and land. Land acquisition, against the background of racist political structures and the uneven playing field after slavery ended, both during and after Reconstruction and into the 1920s, demands our attention. Finally, the forces that compelled the landowners to lose the land are delineated, along with the hope for governmental change.

Millions of enslaved Africans made their way across the Atlantic. Many died, yet many survived the brutalities of chains, nakedness, and upwards of two months in the bowels of the slave ship only to be auctioned to the highest bidder on the auction blocks of numerous southern cities. Deemed by the politics of the day to be subhuman and on a par with animals on the plantation, the enslaved people were forced to adapt to different climates, languages, power structures, working conditions, and all manner of things unimaginable. The economics of a growing country and a burgeoning economy demanded cheap labor. The economy in the South transitioned to the labor-intensive realities of "king cotton". As the demand for cotton increased worldwide, more cheap labor was needed.

From all accounts, Africans were captured and enslaved in a variety of regions, most of which were agriculture based. For instance, Olaudah Equiano was captured in his homeland of Esaki, which is in the southern area of present-day Nigeria. In his autobiography, he described his capture, the horrors of the slave ship, life in the British colony of Virginia, and his eventual relocation and freedom in London. Reflecting upon the traditions of his homeland, he described the diet of his people: "bullocks, goats, and poultry supply the greatest part of their food" and "plantains, eadas, yams, beans, and Indian corn." He also described in detail the simplicity of life in the village,

its organization, buildings, social occasions, weddings, and the livelihood from agriculture (Equiano 2001: 14–18). If his scenarios of a rural village are normative, they set the stage for enslaved people to work the land and to eventually acquire the American view of land-ownership as pivotal to personhood, independence, and community. Emancipation and Reconstruction hastened the expansion of land-ownership among freed people of color.

Brutalities of Slavery: In the Courts and on the Land

Estimates vary relative to the numbers of Africans who embarked and disembarked from the slave ships that landed in American harbors. Curtin (1972: 3–15) reports on a myriad of estimates, including those of Kuczynski, Du Bois, Dunbar, Deerr, and others, ranging from 11.9 million to 15 million. More recently, David Eltis and Martin Halbert of Emory University, Atlanta, Georgia, have served as principal investigators of a project funded by the National Endowment for the Humanities. Their estimates are that 12,521,335 embarked for the Americas and 10,702,657 disembarked in the Americas via 35,990 voyages (Eltis and Halbert 2018). By their estimates, 388,747 disembarked directly into American ports. The numbers, while compelling, tell only one facet of the story, one of great enormity. Despite the law prohibiting slave trade in 1807, it was largely unenforced (Franklin 2000: 104–105). It is estimated that approximately 835,000 enslaved Africans were moved by 1860 from “the older states” to the “newer importing states” of the deep South, a transition sometimes called the “second Middle Passage” (Drescher 2009: 246).

Other compelling statistics are included in the Ninth Census of the United States in 1870 (Walker 1872). According to the 1870 census, the number of the “Slave Population at each Census” grew from 1790 to 1860 from 607,681 to 3.95 million or 6.5 times. The white population grew 10.6 times from 1790 to 1860 from 3.17 million to 26.92 million. Free people of color grew 8.2 times as numerous from 1790 to 1860 as well (59,527 to 488,070) (Walker 1872: 10–11, 14–15, 16–17).

From the auction blocks to the courthouse to the plantations, enslaved Africans were deemed chattel property. The courts debated the status of enslaved Africans and considered them the most valuable

asset to the owner. The issue of whether they were classified as real property, personal property, or immovables did not affect their captivity or the treatment they received. Only when the enslaved was a challenge to a hirer, heir, or a creditor did these things matter because they were valuable as things, real or personal.

Despite the many legislative enactments and rulings in various state courts, the humanity of slaves was almost always ignored. For white lawmakers, slaves were an alien race to be controlled by the state and exploited by their masters and a form of property to be protected from white strangers who might harm them (Copeland 2010: 957).

Hinson and Robinson (2008: 284) assert that the movement toward institutionalizing and dehumanizing people of color was “slow and gradual.” As enslaving Native Americans failed, the transition to the labor of Africans seemed prudent. Morgan and Williams each posit that racism played a role as elitist Europeans shifted the focus of their attention from poor whites to enslaved Africans. Williams, however, interprets the move as “economic, not racial: it had to do not with the color of the laborer, but the cheapness of the labor” (Williams [1944] 1994: 19; Morgan 1975). Both economics and race played major roles according to Hinson and Robinson (2008: 285). It is not surprising then that in the colony of South Carolina, a cash crop of tobacco and enslaved Africans from Barbados merged under the leadership of white planters in 1670. These laborers were well skilled in working livestock, erecting fences and buildings, clearing land, and other agricultural matters. According to Daniel Littlefield ([1981] 1991: 114), the whites traveled to West Africa “as students and brought Africans back as teachers making the African influence on the development of rice cultivation in Carolina a decisive one.”

Enslaved Africans, then, were coerced into a world that had already decided their status as property, not people. As that decision was already made, additional laws continued to be promulgated that reinforced the power of the plantation owner and the absence of power for the enslaved before the courts of the land. Methods of coercion and adaptation to the plantation, the power of the owner, and the subjugation of the enslaved were buttressed by slave codes such as in Virginia, South Carolina, and Virginia. Under those slave codes, as the enslaved were chattel property; they had few freedoms, which meant they could not legally own property themselves (Mitchell 2008: 80–85).

On the plantation, bondage was the status of a slave regardless of the orientation of the owner and family. No matter how much benevolence the family of the slave-owning family might bestow, the enslaved were confined by the humiliations and working conditions of slavery. Although they maintained an outward appearance of subservience for the sake of survival, they also formulated methods of quiet resistance. Berlin, Favreau, and Miller (1998) provide a sweeping overview of the slavery system and a selected set of interviews that reflect a resistance to treatment as chattel property and the attendant acts of violence and degradation. (The interviews were conducted as part of the Slave Narrative Collection of the Federal Writers' Project as a program of the Works Progress Administration, a New Deal program from 1936 to 1938.) They trace the shape of slavery from Jamestown to plantations, migration of enslaved from the East Coast to the West and the South, with concentration across the Black Belt and in Memphis and New Orleans. They chart the growth of slaveholding to the point that 1 million slaves were held (one-fourth of the slave population) on plantations that contained 50 or more in 1850. Plantation life was brutal as the enslaved "derived few tangible benefits" from their labor. But they maintained a self-affirmation of the fact that they were more than property, and their creativity proved it. Slaves and their owners made production of wealth the arena of battle, with slaves finding a variety of ways to fight against their owners via slow pace, running away, hurting domesticated animals, breaking tools, and direct confrontation (Berlin, Favreau, and Miller 1998: xxii – xxxviii).

Of significance is the value of memory of the freed people. Sarah Ford, formerly a slave in Houston, Texas, spoke of the brutality of the master:

Iffen a nigger run away and dey cotch him, or does he come back 'cause he hungry, I see Uncle Jake stretch him out on de ground and tie he hands and feet to posts so he can't move none. Den he git de piece of iron what he called "slut" and what is like a block of wood with little holes in it, and fill de holes up with tallow and put dat iron in de fire till de grease sizzlin' hot and hold it over de pore nigger's back and let dat hot grease drap on he hide. Den he take de bullwhip and whip up an down, and after all dat throw de pore nigger in de stockhouse and chain him up a couple of days with nothin' to eat My papa carry de grease scars on he back till he die. (Berlin, Faureau, and Miller 1998: 29)

On the other hand, there were stories of benevolence interwoven with the bondage of slavery. Manda Boggon's master was a "Bible-quoting Mississippian" who "eschewed whipping and gave his slaves other privileges they valued":

When I wuz put in de fields hit zaaz wuk wuk from early till late. De fields would be full o'slaves a wukin' hard. Us would look up an see Mars acomin' across de field wid his bible under his arm. He would walk along whar us wuz a wukin' an' read a text, den us would sing an' pray. De song us laked bes' wuz, "De Day ob Jubilee es come." Eber Sunday mornin' Mars went to de slave cabins an read de bible an' prayed. He come in de cabins wid a smile. Us went to meetin' once a moth wid de white folks an' set in de back. Us waited on 'em, toted in water an' tended ter de chilluns. When de meetin' wuz ober us koted der horses an' led 'em to deir blocks an' brung de carriages 'round fer 'em. (Berlin, Faureau, and Miller 1998: 40–41)

Ingenuity, Economics, and the Possibilities of Property Ownership

Slavery was much more than a unitary phenomenon. It was shaped by location, whether rural or adjacent to towns, mindset of the plantation owners, acreage, number of enslaved people, structure of life on the plantation, crops and agricultural tasks, and skills of the enslaved. Schweninger (1990) was one the first to deconstruct the complexities that led to property ownership among the enslaved. The acculturation process was complex as "they discovered ways to alleviate their drudgery, attain a measure of independence, and in some locations, even loosen the shackles of bondage" (Schweninger 1990: 8). The transition from owned to owning was long and arduous. Mintz ([1974] 1989: 155) posits:

Torn from societies that had not yet entered into the capitalistic world, and thrust into settings that were profoundly capitalistic in character on the one hand, yet rooted in the need for unfree labor on the other, the slaves saw liquid capital not only as a means to secure freedom, but also to attach their paternity—and hence, their identity as persons—to something even their masters would respect.

Slavery was "diverse and multisided" (Schweninger 1990: 29). While free people of color lived within the white world and established

their own means of economic survival, the life of the enslaved was different, depending upon the size of the plantation, location, skills of the enslaved, and the demand for their labor. There were artisans and field hands, those who worked in gangs on the land and those who were hired out, and those who at times experienced “virtual freedom” despite laws that forbade the enslaved to own property, all of which was at the will of the owner (Schweninger 1990: 29–30).

One observer, while traveling through the southeast in 1773, noted the number of slaves and their purchase price, the livestock and produce, and the general demeanor of the enslaved. Commenting on their living conditions, he made these observations:

The inhabitants of Carolina ... treat these valuable servants in an indulgent manner, and something like rational beings. They have small houses or huts, like peasants, thatched, to which they have little gardens, and live in families separated from each other. Their work is performed by a daily task, allotted by their master or overseer, which they have generally done by one or two o'clock in the afternoon, and have the rest of the day for themselves, which they spend in working in their own private fields, consisting of 5 or 6 acres of rice, corn, potatoes, tobacco, &c. for their own use and profit, of which the industrious among them make a great deal. In some plantations, they have also the liberty to raise hogs and poultry, which, with the former articles, they are to dispose of to none but their masters (this is done to prevent bad consequences) for which, in exchange, when they do not chuse money, their masters give Osnaburghs, negro cloths, caps, hats, handkerchiefs, pipes, and knives. They do not plant in their fields for subsistence, but for an amusement, pleasure, and profit, their masters giving them clothes, and sufficient provisions from their granaries. (Scotus Americanus 1773: 25–26)

Berlin, Favreau, and Miller (1998: xxviii, xxxvii, xli) describe the context that will eventually lead to land ownership. Their comments provide us with an in-depth look at the pathways by which some enslaved people accumulated implicit property:

By producing something where once there was nothing, slaves discredited the masters' shibboleth that they were simply property, countered the daily humiliations that tested their self-esteem, and laid claim—if only symbolically—to the fruits of their labor for themselves and their posterity. (Berlin, Favreau, and Miller 1998: xxviii)

Through a continuous process of contest and negotiation with slaveholders—often playing on the slaveholders' recognition of their humanity implicit in paternal ideology—slaves established the right to control a portion of their lives. When permitted to do so, they used small grants of free time to cultivate gardens, hunt, and fish; raise poultry, pigs, and cattle; make baskets, weave clothes, and practice other handicrafts; hire themselves to neighboring farmers and artisans; and receive payment for overwork. Although the property they accumulated had no legal standing it gained recognition in practice. The slaves' self-directed economic activities—what historians have called “the slaves' economy”—fostered a vision of an independent life, even though the opportunity to realize the vision would not come until after emancipation. (Berlin, Favreau, and Miller 1998: xxxvi)

Slaves nurtured their generational connections in violation of laws that denied their existence.

Slaves who had accumulated small amounts of property covertly developed their own system of inheritance, whereby one generation of slaves gave the next a “start.” These inheritance practices differed from place to place, but they became more deeply entrenched as slaves elaborated their internal economies. Although the property passed from generation to generation was often nothing more than a few sticks of furniture, some cookware and tools, or a few barnyard animals, generational exchanges had deep emotive and psychological meaning. And they were not without material significance. (Berlin, Favreau, and Miller 1998: xli)

The voices of the freed people spoke consistently with these assertions, including that of Gus Smith, born 1845 near Rich Mountain, Osage County, Missouri (Berlin, Favreau, and Miller 1998: 12):

Our master let us come and go pretty much as we pleased. In fact we had much more freedom than the most of the slaves had in those days. He let us go to other places to work when we had nothing to do at home and we kept our money we earned, and spent it to suit ourselves. We had it so much better than other slaves that our neighbors would not let their slaves associate with us, for fear we would put “devilment” in their heads, for we had too much freedom.

Laura Thornton, owned by Tom Eford, Alabama, remembered lighter work than neighboring slaves (Berlin, Faureau, and Miller 1998: 118):

Slaves had money in slave time. My daddy bought a horse. He made a crop every year. He made his bale of cotton. He made corn to feed his horse with. He belonged to his white folks but he had his own house and lot right next to theirs. They would give him time you know. He didn't have to work in the heat of the day. He made his crop and bought his whiskey. The white folks fed 'im. He had not expenses, 'cept tending to his crop. He din't have to give Tom Eford anything he made. He just worked his crop in his extra time. Many folks too lazy togit theirselves somethin' when they have the chance to do it. But my dadd wasn't that kind. His old master gave him the ground and he made it give him they money.

Other voices also recalled these times and events. Elias Thomas, interviewed in 1937, age 84, in Raleigh, North Carolina, owned by Baxter Thomas, reflected the following:

We worked from sun to sun, with one hour and a half to rest at noon or dinner time. I was so small I did not do much heavy work. I chopped corn and cotton mostly. The old slaves had patches they tended, and sold what they made and had the money it brought. Everybody eat out of the big garden, both white and black alike. (Hurmence 1984: 10)

Willie Cozart, age 92, interviewed 1937, Zebulon, North Carolina, Oakley Plantation, said:

It was a big plantation, 'round twelve hundred acres of land, I reckon, and he had about seventy or eighty slaves to work the cotton, corn, tobacco, and the wheat and vegetables. The big house was something to look at, but the slave cabins was just log huts with sand floors, and stick-and-dirt chimneys. We was allowed to have a little patch of garden stuff at the back, but no chickens nor pigs. The only way we had of making money was by picking berries and selling them. We ain't had much time to do that, 'cause we worked from sunup till sundown six days a week. (Hurmence 1984: 10)

So, in the face of the relentless burden of being owned and being a nonperson, and in the presence of the reality of "the seemingly unchanging nature of the institution of slavery, especially during the antebellum era, it was in reality changing and evolving with each passing decade" (Schweninger 1990: 30). The owned were coming to own real property, small though it might be. This attitude toward work, skills, marketplace, and ownership likely propelled some toward landownership during the

early stages of freedom. It did for Mattie Curtis, 98 years old, owned by several, who said:

I got married before the war to Joshua Curtis. Josh ain't really care about no home, but through this land corporation I buyed these fifteen acres on time. I cut down the big trees that was all over these fields, and I hauled out the wood and sold it, then I plowed up the fields and planted them. (Hurmence 1984: 38)

Reconstruction: A Time of Opportunity and Violence

Freedom was a surprise to some and something that others knew about well in advance via informal information networks between plantations. Some owners summarily dismissed the freed people, and other owners requested that they stay at least through harvest if not in perpetuity for a negotiated wage. Attachments held by newly freed people were seldom with their white owners, but to their ancestors, each other, and “and to the ground that they collectively nourished with their work and sweat and consecrated with the bones of their ancestors” (Hahn 2003: 36). Some owners fled the scene while others stayed. It was a time of chaos and change. However, a myriad of other obstacles stood in the way of progress for people of color.

Sherman's Field Order #15 and its Demise

Union General William T. Sherman's Field Order #15, issued in January 1865 near the end of the Civil War, was proverbially entitled “40 Acres and A Mule” because it granted freed slaves such an allotment from land the Union Army confiscated in the South. If it had been allowed to succeed, it would have allowed disenfranchised people of color to receive land to work and to pay off over a three-year period. Long before this, as early as mid-1864, as an estimated 400,000 slaves left the plantations and crossed Union lines, and the die was cast. Rumors were rampant and circulated and interpreted differently by whites versus blacks. Whites saw the changes as a threat to their way of life; blacks saw the changes as promising a better life (Hahn 2003: 128–129). The U.S. government controlled approximately 900,000 acres in the Southeast, in the lower Mississippi Valley, South Carolina, and

Georgia. Many freed people believed they had rights to the land, but their hopes were soon dashed as Sherman's order was reversed by President Johnson. Bayley Wyat spoke words of protest when the army evicted blacks from land in Virginia:

We has a right to the land where we are located. For why? I tell you. Our wives, our children, our husbands, has been sold over and over again to purchase the lands we now located upon; for that reason we have a divine right to the land And den didn't we cleare the land, and raise de crops ob corn, ob cotton, ob tobacco, ob rice, ob sugar, ob everything. And den didn't dem large cities in de North grow up on de cotton an de sugars and de rice dat we made? ... I saw dey has grown rich, and my people is poor. (Foner 1989: 277)

The land question was central to the Reconstruction era. Millions of freed slaves and poor whites wanted land of their own to farm. As Foner (2002: 374) summarizes their prospects:

Nor did this goal appear entirely utopian. The postwar South was a sparsely settled region, containing vast tracts of uncultivated land (less than 10 percent of Louisiana's 30 million acres were being tilled at the end of Reconstruction). With many landowners desperately in need of cash, moreover, and land values having plummeted, the cost of acquiring property did not appear prohibitive Few freedmen, however, possessed even the meager resources needed to acquire land on the open market, even at these bargain prices. Thus blacks looked to the state.

State governments, no longer under the control of the Democrats, could have taken bold action, but few did. South Carolina alone adopted "a path-breaking program of land distribution overseen by a land commission with the power to purchase real estate and resell it on long-term credit." Obviously, credit and its availability was essential to economically deprived farmers, both black and white, but only the state could provide it after the South's money became worthless. By 1876, one-seventh of the black families in South Carolina owned their own farm (Foner 2002: 375).

Land policies in other states were less successful because they failed to address the credit shortage. Several southern states increased property tax rates and independently assessed the value of former plantations, which had previously been self-assessed at low values.

The effect was large-scale forfeiture of plantations. Even though 20 percent of the land of Mississippi was turned over to the state for nonpayment of taxes, little was transferred to freedmen. They could not afford to buy even small parcels when the plantations under state control were subdivided. Instead, a small number of wealthy northern land speculators bought much of the land held by the state. The libertarian sentiments of northern Republicans favored giving blacks the *right* to own land but not the *means* to buy it (Foner 2002: 375–376).

Thus, Reconstruction failed to follow through on the potential for land distribution that many blacks had hoped for. Some black families were able to acquire land, particularly in South Carolina, but the majority were consigned to tenancy, as were many poor white families. Nevertheless, following the Reconstruction era, which ended in 1877 with the withdrawal of federal troops from the South, a surprising number of black families managed to buy their own land, as we shall see.

The Courts

The undoing of progress made during the period of Reconstruction brought about the “nadir” of the African-American experience, as black Americans entered an era of racial repression which brutally reduced them to second-class citizenship” (Hinson and Robinson 2008: 286). Politically, gains in suffrage and in political positions, equality under the law, and other matters fought for, were lost. The U.S. Supreme Court in *Plessy v. Ferguson* in 1896 authorized separate facilities for whites and blacks: segregation and mistreatment in public restrooms, drinking fountains, schools, hospitals, churches, and all manner of public square entities (Hinson and Robinson 2008: 287). The Court said that separate facilities were permitted if they were equal, but it left the interpretation of equality to state courts that tolerated extreme differences in the quality of service.

Black Codes

Black codes, which were quite similar to the slave codes, were passed in various states during 1865 and 1866. They attempted to enhance

the power of whites and disempower freed people by punishing what whites regarded as “vagrancy”—the unwillingness to work as many hours per week as had been required under slavery (Franklin and Moss 2000: 250). Although enforcement of them was tempered somewhat during Reconstruction, they were fully employed after 1876 to compel blacks to work for whites. This included contracts between landowners and hired people. Written evidence of employment was required of all black people, and any white employer could arrest

Figure 1

The false hope of “40 acres and a mule” was held out to freed slaves at the end of the Civil War. The plan was implemented briefly during the war in 1863, but rescinded by President Andrew Johnson in 1865. A few southern states, particularly South Carolina, initiated land redistribution programs during Reconstruction, but most states failed to provide the means of financing land sales to former slaves. Original caption: A sharecropper uses a team of mules to do his spring plowing in Macon County, Georgia in January 1940. Photo courtesy National Archives and Records Administration. U.S. Department of Agriculture, 20111110-OC-AMW-0276. Source: <https://www.flickr.com/photos/usdagov/6595192343> (public domain).



someone if that person abandoned a signed contract. Blacks were forced into labor and at times into chain gangs and imprisoned. They were hired out to the highest bidder, if unemployed.

Paradoxically, even as freed blacks were being targeted to perform forced labor, other laws allowed them to litigate cases against whites. In Alabama in December 1865, the state supreme court decreed the existence of equal rights to sue or be sued. Other state supreme courts allowed African Americans to serve as witnesses in civil and criminal cases. In some states, the right was upheld to marry people of another color. Prisons became more filled with blacks than whites. Prior to

Figure 2

A hoe crew in Alabama, 1929. Black farmers sought to own their own land to avoid having to work for a white landowner, either as a day laborer or as a sharecropper. Both options kept workers perpetually in debt, tying them to a life of forced labor that amounted to contract slavery instead of chattel slavery. The only way out of the system was either to own a farm or to move north. Source: (Schomburg Center 1929).



and during the Civil War, most inmates in state prisons were white, but after 1865, blacks were targeted in criminal courts more than whites (Milewski 2018: 33).

Little power rested with the employee other than escaping during the night, and much power to the landowner, who set the terms of the labor, the crops, working hours, wages, and punishments if the employee left prior to the end of crop season. The title to the crop often rested with the owner, another form of slavery (Fite 1984: 4). The unemployed were considered vagrants and could be arrested (Franklin and Moss 2000: 250).

Labor Contracts

There were, on occasion, more benevolent landowners, such as Uriah Jefcoat in his contract with freedman Crocket Jones. Although little is known other than the contract itself, the potential at least was for a respectful relationship between employer and employee. This included being given 10 acres of his own. The contract reads in part:

That I the said Jefcoat on my part have agreed to take the said Crocket in as a cropper on the following terms—The said Crocket is now to set in with me and work entirely subject to my orders, in all things pertaining to preparing for, and making my crops, until my crop is laid by, except every other Saturday, which I allow him to have as he own time in that I release him until time to gather, at which time he will forthwith report to me and for me through all of my gathering my crops which will complete our contract. For the faithful performance on his part of the contract, I give him ten acres of land to plant in corn for himself and furnish him the seed to plant it. I also furnish him seed grass to plant it, if I can get them. If I cannot get enough to plant my crop and his, I divide what I get with him in regular proportions to his crops. I also allow him a rice patch about half an acre, and have his crop worker regularly with my own. (Jefcoat: 1866: 1)

The contract is signed by Uriah Jefcoat, witnessed by H. L. Hoover, and with an X of Crocket Jones.

Lynchings

In the decades following the Civil War, an era of violence erupted, not unlike that of the infamous “patrollers” in slavery days in which black mobility and freedom attempts were met with violence. In particular, lynching was used to instill terror in the black population. Two sites contain the most thorough information on the history of lynching in America. The initial work of Monroe Work (n.d.) for the decades following Reconstruction lists the names of 4,800 plus and the work of the Environment Justice Initiative (n.d.) between the years 1877 and 1950 provides chilling information about the 4,400 plus African Americans who were lynched. According to Hahn (2003: 425–427), these mob executions or lynchings were symptomatic of the tensions between whites and blacks, as the former used this form of violence in an attempt to maintain power, as blacks exerted their rights. Hale (1998: 203, 204) emphasized lynchings as public spectacle as “structure, a sequence and pace of events” that went from allegations to mob violence following scene preparation, mutilation and/or hanging, and souvenir collecting, among other variables. Tolnay, Deane, and Beck (1996: 811) explored lynching from a spatial perspective—how lynching in one community impacted the same in another community. Their “deterrence model” of lynching is supported by evidence that whites ceased lynching activities when they were satisfied that the results would cause blacks to be “even more circumspect in their interactions so as not to provoke violent responses.” Young (2005: 641) focused research not upon numbers, nor spectacle, but upon the black body as souvenir.

Stories of Land Acquisition During and After Reconstruction

Nathans (2017), Volanto (2012), Casper (2012), Hargis (2004), and Schultz (2005) provide detailed stories of black families that negotiated their way through the politics and economics of the day, purchased land, farmed the land, and in various configurations have family members who still own the land. These detailed stories provide a rich set of material that can be used to make sense of numerical data and

census records. Nathans (2017) provided the narrative of an enslaved couple, Paul and Dicey Hargis, who stayed on the plantation to work after freedom, and eventually bought a portion of the plantation land from the original owner in Alabama. Volanto (2012) traced the story of Squire Youngblood, who was apparently required to work for a family in Limestone County, Texas, away from siblings. His 147 acres shifted from cotton and other crops to cattle and hay and is still in the family.

Casper (2012) chronicled three “farmers” and their narratives from a myriad of court documents and other records within the shadows of Mount Vernon. Most, if not all, landowners may have owned “farms” but were not farmers. Most had small parcels of land, were included in one of two enclaves of freed people in the area, and made their living on non-farm efforts during a time in which ownership meant gentility.

Hargis (2004) plumbed the depths of transitions, challenges, and opportunities for the white slave-owning family, the Jones family, and the freed family, the West family, and others from the days immediately following freedom into the late 1800s in rural Georgia. The ways in which the different families used each other for their own purposes and the circumstances in which they did so are told via primary source material of letters and official documents between the families. Schultz (2005: 49–52) explores black and white landowning narratives in Hancock County, Georgia, arriving at five principles: 1) blacks banded together; 2) whites sold only marginal land in small portions; 3) hard work led to economic self-sufficiency and freedom from debt; 4) blacks who wished to own land required white landowner sponsors; and 5) blacks had to be acceptable to the white community, while whites had to be aware of potential repercussions from the whites as they sold land to the blacks.

As a general rule, white landowners wanted to prevent landless blacks from gaining title to their own land in order to coerce the latter to work as tenant farmers for whites. The crop lien system, by which merchants extended credit at a high rate of interest against a future crop, kept tenant farmers, both black and white, in a constant state of debt, which posed a giant hurdle in gaining a degree of economic autonomy. If that was not enough, violence was inflicted on blacks

who bought land and on whites who sold it to them. There were also agreements among whites not to sell to blacks and agreements not to hire the people working on another farmer's land. But all of those efforts failed to reduce the commitment and persistent efforts of blacks to own land.

The universal theme of buying a "little piece of land" was widely shared by African Americans. (See Figures 1 and 2.) But there were distinctions between the Lower South versus the Upper South in terms of land acquisition. The Lower South was Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas. The Upper South was Delaware, Washington, DC, Kentucky, Maryland, Missouri, North Carolina, Tennessee, and Virginia. In the Lower South, despite available land at cheap prices, the majority of freed blacks did not become landowners; however, the overwhelming majority of black landowners in the Lower South had indeed been slaves. There were comparatively fewer obstacles to black land ownership in the Upper South, yet relatively few blacks were able to buy land there (Schweninger 1990: 143–145, 148–149, 161).

Given the obstacles, it is amazing that any black farmers ever obtained their own land in the decades following Reconstruction, but they found a way:

Yet, despite the small percent who became farm owners and the small size of their farms, rural blacks in the Lower South increased their holdings significantly during the period from 1870 to 1910. (Schweninger 1990: 166)

In the Upper South, the growth of black farm ownership in Virginia was immense. It rose from 0.7 million acres of farmland in 1891 to 1.55 million in 1910. Blacks increased their acreage by one-third (by comparison to whites' 7 percent), and the average farm owner's value was \$872. From 1870 to 1910, rural blacks in the Upper South significantly increased their holdings and land value, acquiring land at two times the rate of farmers in the Lower South (Schweninger 1990: 173–176). In summation, Schweninger (1990: 176) explained the miraculous growth of black farm ownership during a period when white farmers were losing their farms:

In 1890 one out of three farmers in the region worked on his or her own land. Despite numerous economic difficulties on the farm during the next two decades, by 1910 nearly half the black agriculturalists in the Upper South had become landholders (compared with 19 percent in the Lower South). With one-fourth of the South's rural black population, Upper South blacks controlled one-third of the Negro farm wealth in land and buildings. This expansion during the 1890s and early 1900s was all the more impressive since it occurred at a time of depression when the number and proportion of white farm owners was steadily declining.

Most accounts of the period from 1876 to 1960 have portrayed African Americans as victims rather than truly free individuals. While it is definitely true that black Americans faced hardships and challenges that made success difficult, it is a serious error to think of them simply as passively suffering the injustices heaped on them. Hargis (1998: 246, 261–262) refutes the standard image in which 1) freed slaves were only marginal landowners, 2) the small size of their farms was a sign of failure, and 3) their loss of land was because of poor land quality. Using county-level data, she shows that there were no uniform patterns of black landownership since it varied by county. She also shows that the land they owned was not “uniformly poor.” In the story of black land ownership in the South, locality was important.

The Data: Black Land Acquisition and Dispossession

Challenges of Accurate Census Data

An attempt to study the raw data of black land acquisition and dispossession is fraught with many challenges. Important primary sources of land acquisition studies involve the county tax rolls of each county and state (Hargis 1998: 242; Du Bois 1901). The next level of data resides in the U.S. Department of Agriculture (USDA) “Census of Agriculture Historical Archive” at the Mann Library at Cornell University. A thorough analysis of these records is difficult, as data were coded differently in different decades, or information was not collected at all. For instance, data for race were not collected until 1900. Also, data on African American farmers was co-mingled with “non-white,” which

covered a number of ethnicities. The data are reported by county, state, region, and the entire nation. While the majority of African Americans have lived in the South, there are differences in the raw data between the nation and the southern region (Banks 1986: 3–5).

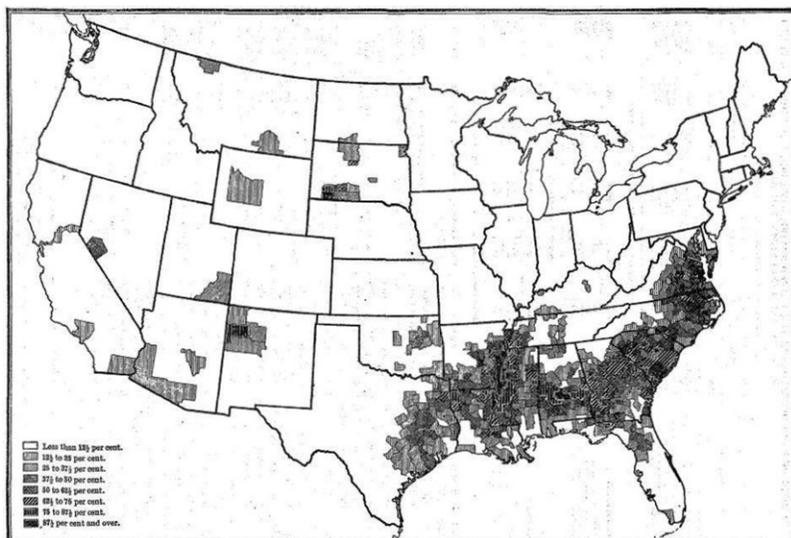
Another consideration in data exploration around black land acquisition and loss is related to type of tenure. Some African Americans both owned and operated the land. Others engaged in farming through a combination of owning and leasing land and, on some occasions, they rented out their land. Many who did not own land worked as sharecroppers, either on a share-rent or a cash-rent basis. Alston and Higgs (1982: 327–353) discuss these contractual arrangements in depth. Another important consideration is that the U.S. Census Bureau collected data until 1997 when these responsibilities shifted to the U.S. Department of Agriculture National Agriculture Statistics Service as a result of the 1997 Appropriations Act.

The most prudent approach, therefore, is to summarize basic data, starting with Du Bois and ending with the 2012 USDA farm survey. Du Bois (1901) was the first sociologist to study agriculture and rural communities, especially communities of color and land acquisition and its implications. Jakubek and Wood (2018: 18–31) suggest that his methodology and findings reflect the bridge between the era of premodernism and the era of modernism via their analysis of Du Bois's rural community case studies and his studies of the structure of agriculture. He was centered in “an emancipatory empiricism” that was oriented toward correcting stereotypes via an accurate analysis of rural spaces.

Du Bois (1901: 665–669) provided a detailed analysis of the census, land holdings, counties of occupation, and a myriad of other details, due to Georgia's detailed data system. Within this lengthy report, he outlined how, in his opinion, freed people of color came to own land: 1) vast acres of uncultivated land were available for purchase at “nominal payments in money or services”; 2) Sherman's field order (“40 acres and a mule”) allowed freed people possession, though temporary, of land that could become permanent for some; and 3) some owners were “easily induced to sell their holdings in parcels,” given

Figure 3

Concentration of nonwhite farmers in the United States in 1920, mostly African Americans in the South. (Original title: Percentage of all farms operated by colored farmers, by counties, 1920). Note: The legend shows varying degrees of darkness that represent the percentage of nonwhite farmers, from 12.5 percent to over 88.5 percent. All darkened counties are thus higher than 10 percent, which is the primary cutoff for inclusion of a county in the 1978 map. (See Figure 4.) Source: U.S. Census Bureau 1922: 296.

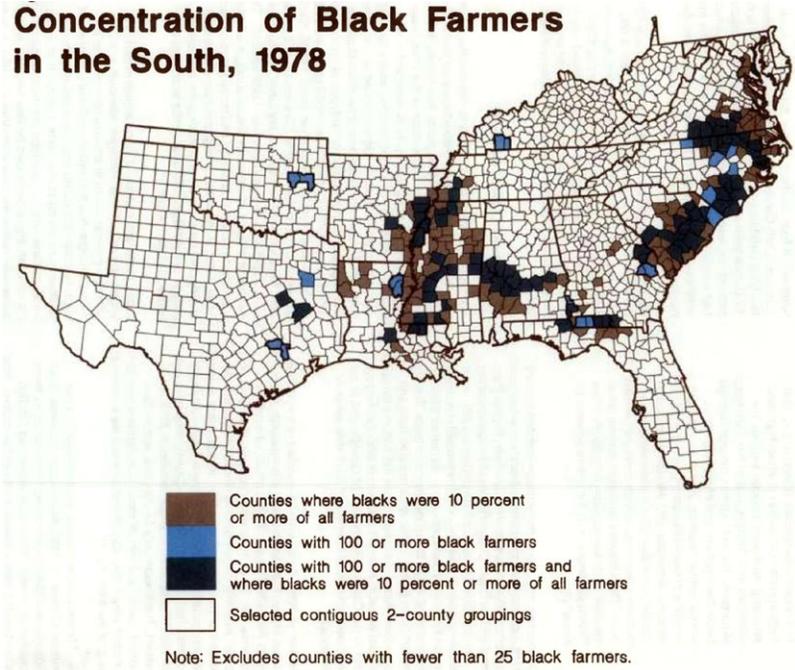


their pennilessness. He further chronicled the “method of accumulation” as the following:

The first year they worked for bare subsistence; the second year, they bought stock—mules, implements, etc.; third year, many rented lands; and now the fourth year, large numbers are prepared to buy. This is the record of the most industrious, others are following at a slower pace. (Du Bois 1901: 666)

Figure 4

Concentration of black farmers in the South, 1978. Note: This map shows the dramatic decrease in black farmers in the South by comparison with Figure 3, from 1920. The ownership of land by black farmers fell from around 20 million acres in 1920 to 10 million acres in 1978. Source of map: Banks 1986: 4.



He continued with a critique of the metayer system of landowner, tenant, and merchant and the abuses contained therein with the advantages to the white landowner and merchant.

For data on the period prior to 1910, researchers are dependent upon Du Bois's estimates. Du Bois estimated black farmers owning 3 million acres in 1875, 8 million in 1890, and 12 million in 1900 (DuBois 1907: 105). These are southern-based estimations.

Table 1
Comparisons of Farm Tenure by Race, 1900 to 1920

	1900	1910	1920	
Number of farm operators, U.S. by race (in millions)				
Black	0.75	0.92	0.95	(continuous rise)
White	4.97	5.44	5.5	(continuous rise)
Farms owned in the South by race (in millions)				
Black farmers	0.19	0.22	0.22	(rise, then steady)
White farmers	1.18	1.33	1.38	(rise, then steady)
Acreage farmed (in millions)				
Black farmers	32	47	45	(large rise, then decline)
White farmers	799	832	911	(continuous increase)
Acreage owned (in millions)				
Black farmers	11.9*	19.1	16.7	(gain, then dispossession)
White farmers	515.2	579.5	620	(continuous gain)
Mean acreage of farms (U.S.)				
Black operators	42	47	51	(constant increase)
White operators	161	153	166	(fall, then rise)
Value of farms (in \$billions)				
Black owned	NA	0.44	0.8	(82% increase)
White owned	NA	26.23	46.81	(79% increase)
Tenants as percent of farm operators in the South				
Black operators	75	75	76	(constant over time)
White operators	30	39	39	(30% increase)

Sources: U.S. Census Bureau 1902: xciv–xcv, xcvi–xcviii, cii, civ, cvi; 1922: 189, 194–195.

*1900 ownership by black farmers estimated as same percentage of acres farmed as in 1920

Numerous scholars reference the peak of black landownership in 1910 of 16–19 million acres (Fite 1984; Gilbert, Wood, and Sharp 2002; Hinson and Robinson 2008; Wood and Gilbert 2000). These are useful secondary sources. However, a review of the agricultural census data can also be useful in our attempt to grasp the enormity of black land acquisition and dispossession.

The U.S. Commission on Civil Rights (1965: 6, 10), in its report about the rural South, noted that from 1935 to 1959 white farm operators declined from 2.61 to 1.38 million, a drop of 47 percent. Nonwhite operators declined from 815,000 to 260,000, a drop of 68 percent. Full owners fell by 28 percent for whites and 40 percent for nonwhites. Part owner whites increased by 43 percent and nonwhites by 2.8 percent. Tenants dropped for whites and nonwhites by 81 percent and 78 percent, respectively. While blacks made up 16 percent of the farm operators in 1959, they operated less than 4 percent of the farmland. Just as 1870 to 1910 was the era of farm acquisition for African Americans, the period from 1935 (or earlier) to 1959 (and later) was a period of dispossession. (See Figures 3 and 4.)

The U.S. Commission on Civil Rights (1982: 1–3) examined the issue of black land dispossession. Using U.S. Census of Agriculture information, it observed that only 57,271 farms were in operation by blacks in 1978. This was in sharp contrast to earlier periods. In 1890, 25 years following the Civil War, 60 percent of black households were engaged in farming. There were 926,000 black-operated farms, which comprised 14 percent of all farm operations in the United States at that time. By 1978, that percentage dropped to 6.2 percent. Since farming as an occupation generally declined during the latter part of that period, absolute numbers are less relevant than comparisons with white farmers. During the 1950s, whites lost 29 percent of their land, whereas blacks lost 51 percent. Corresponding losses from 1900 to 1978 were 22 percent for whites and 57 percent for blacks. Curiously, between 1900 and 1910, blacks increased land holding by 20 percent, compared to only 10 percent for whites. Between 1910 and 1920, the increase was by 3.6 percent for blacks and 1.1 percent for whites.

Using both regional and national data, Banks (1986) reports that black-operated farms dropped from a peak of 925,710 in 1920 to 33,250 in 1982. Acreage per black-operated farm doubled from 51 acres in 1920 to 104 acres in 1982; however, the mean acreage for all farms tripled from 147 to 440 during that same time, which means that consolidation of white-owned farms was taking place at a much more rapid pace. Black farmers owned about 15 million acres in 1920 but only 3.2 million in 1978. Around 4 million acres of rural land were

still owned by African Americans in 1978 that were no longer used for farming. But the retirement of land from agriculture was not the major source of farm loss among African Americans. As Banks (1986: 1) explains:

A large amount unquestionably was bought by whites and others from black farmers or their heirs Total black ownership of land today (10 million acres) is less than that owned by black farmers alone a half century ago.

In other words, black land loss cannot be accounted for by the general pattern of farm retirement and consolidation that took place in the 20th century. Those factors account for the decline in black households engaged in farming, but not the decline in acreage owned by black households.

Reynolds (2002: 4, 22–24) chronicled the history of black farmers in the rural South and the significant role of black cooperatives, the absence of white versus nonwhite data in the census prior to 1900, the growth of operators between 1880 and 1990, and the peak of black landownership in 1920. Reynolds (2002) provided data on white and nonwhite operators, full- and part-owners and managers, as well as tenants and croppers from 1900 to 1959 in the southern states. Also provided are tabular data from 1900 to 1997 across the United States for total, black, white, and other farm operators. In 1997 there were 18,451 black operators and 1,864,201 white operators.

Census reports did not provide data by race until 1900. The 12th Census of the United States (U.S. Census Bureau 1902: lxxvii–lxxviii) indicates that African Americans (referred to as “Negroes” or “colored farmers”) farmed the following, with some comparisons to white farmers: 13 percent of all farms as operators; 5 percent of farms on which the operator owned all of the land; 6.7 percent of farms they partially owned, partially rented; 2.8 percent of farms on which they were part-owner and part-tenant; 2.9 percent of farms on which they were hired managers; 36.3 percent of farms on which they paid cash to the landowner; and 22.3 percent of farms on which they paid a share of their crop to the landowner.

Since blacks comprised 11.6 percent of the U.S. population in 1900, they were vastly overrepresented in both categories of tenant farmers, which meant that whites were underrepresented as tenants. On farms partially rented and partially owned, blacks owned an average of 39 acres and whites owned an average of 147 acres. In general, both blacks and whites in that situation each owned half of the acreage they farmed and rented the other half (U.S. Census Bureau 1902: lxxxiv).

The greatest gap between whites and black was in tenancy. Among black-operated farms in 1900, 74.6 percent of operators were bound to tenant contracts. By contrast, only 29.5 percent of white farm operators served as tenants (U.S. Census Bureau 1902: xcv, cvi).

Twenty years later, new census data showed both stability and change in farm tenure. The patterns of inequality persisted. See Table 1. In the South, the part of the United States where black ownership was most intensely contested, the rate of black tenancy remained double the rate for whites.

Almost a century later, in 2012, there were only 46,582 black farm operators, only 1.5 percent of U.S. farm operators, down from 13 percent in 1900. While average farm size in the United States is now 434 acres per farm, the average for black-owned farms is only 125 acres. Government payments average \$5,509 per black farm and \$9,925 for all farms (USDA-NASS 2012).

Despite the extraordinary efforts made by black farmers from 1870 to 1920, only 25 percent were able to achieve any degree of farm ownership. Most remained locked in tenancy. Nevertheless, even for those who achieved some degree of economic security by gaining ownership of a farm, the 20th century would unravel their achievements. In 1920, there were over 950,000 black farm operators. By 2012, that number had dwindled by 96 percent, leaving only 46,582 black families with agricultural ties to the land (USDA-NASS 2012).

Black Land Loss: Stories and Reasons

The causes of black land dispossession are as complex as the story of black land acquisition. Some involved economic and technological changes that affected all farmers by displacing labor with machinery. Other factors were targeted to the removal of black farmers,

particularly those who owned their own land. In U.S. agriculture as a whole, those who owned large farms were able to expand. Those who owned small farms often went bankrupt or were forced to sell. Since black farmers operated farms that were smaller than average, any policy that accelerated this trend affected them more than white farmers.

During the 20th century, changes took place simultaneously in farming, culture, and technology. As farming demanded larger acreage and higher profits, along with specialization, a different mix of crops was grown, and production methods changed. New machines were introduced, as were herbicides to control weeds. Government provided farmers with technical advice. All of those factors increased agricultural productivity, and the improvements should have benefited all, but only a few actually benefited (Daniel 1985, 2013; Hinson and Robinson 2008). The owners of small farms often lost ground relative to their larger neighbors as a result of technical change. To some extent, the change occurred without central direction, but government policies often increased the pace of change.

As we have already seen, during the decades after the Civil War, the dominant theme expressed by white landowners and politicians was that former slaves were intended to work the land and never to own the land (Hinson and Robinson 2008: 283). Thus, there were systematic efforts to restrict farmland ownership by African Americans. This section will highlight a few of the methods used to achieve that goal of continued white dominance in the 20th century.

Thomas, Pennick, and Gray (2004: 1–4) list seven common themes that the Federation of Southern Cooperatives has shown to cause losses by black farmers: 1) heir property ownership; 2) lack of estate planning; 3) tax sales; 4) partition sales; 5) voluntary sales; 6) other contributors; and 7) inaccessibility to legal counsel. A similar list of factors was compiled by Gilbert, Sharp, and Felin (2002: 7–10): 1) heir or partition sales and tax sales; 2) non-participation in government programs; and 3) racism. Mitchell (2001: 532) expands the list further: 1) aging farmers; 2) discrimination by the U.S. Department of Agriculture (USDA) and the committee system; 3) absence of black leaders at the local level; 4) the Great Migration; 5) northern industry

development; 6) the boll weevil and the plunge in cotton prices; and 6) laws of intestacy. Hinson and Robinson (2008: 289) credit Browne (1973) for determining that black land loss was prompted by “a variety of systemic factors including lack of access to credit, tax laws, intestate death of landowners, and other nefarious strategies.” Similarly, McGhee and Boone (1977: 8–11) offer their own explanation in terms of tax sales, partition sales, mortgage foreclosures, absence of wills, limitations on welfare recipients, lack of financial and/or technical skills, eminent domain, and voluntary sale.

This section, therefore, will attempt to summarize notable issues: heir property and partition sales, U.S. governmental policies, and the *Pigford* class action suits.

Heirs' Property and Partition Sales

Mitchell (2001: 507–510, 562–578) argues for a change in policies and laws relative to partition sales of tenancies in common. When an owner dies without a will, the state's intestacy laws take precedence and define a broad class of heirs who have a right to a portion of the property of the deceased regardless of the percentage of the ownership or the degree of relationship to the deceased or members of the family. A person with a claim to a small portion of a parcel of land held by an estate could potentially force a sale of all of the land to an opportunistic buyer. Such laws serve to splinter or fragment the interests in the land, which tends to make it unusable as a farm. Mitchell addresses four common features of tenancy: time, title, interest, and possession. He recommends consolidating the land, using limited liability corporations (LLCs) to manage the land, putting land into trusts, establishing state land consolidation courts, and restoring land foreclosed upon by the USDA or providing alternative lands. Mitchell (2014) explored the history of the problem of tenancy in common, heirs' property, and partition sales. Additionally, he chronicled the history of the development of the Uniform Partition of Heirs Property Act (UPHPA) and its applicability for those who own land, including minority populations.

Cassandra Johnson Gaither (2016: 1–2, 6, 8) examined the issue of heirs' property by focusing upon land in the Black Belt of the South

and the potential impact upon 41 percent of black-owned land in the area from Virginia to East Texas. She also considered how land can become fractionated when an heir wishes to sell a portion regardless of the value. She illustrates the issue via 100 acres purchased in 1940. At the death of the husband, the wife gets a one-third interest and each of her four children get one-quarter of the remaining two-thirds. If each adult child has four children, then each inherits one-quarter of the one-sixth interest in the land. Each has equal rights no matter the fraction of the land. Sponsored by the National Conference of Commissioners on Uniform State Laws, several states have now adopted statutes that grant non-sellers the legal right to purchase the sellers' interests and to match the investment of the seller as opposed to the current market value. The laws also require consideration of both economic and noneconomic factors as to whether the land is to be partitioned or sold.

Mitchell (2001) and Johnson Gaither (2016) both argue that laws involving partition sales have negatively affected black farmland by breaking it into small parcels that have no value for agriculture. Arguing with Chang (2018), Johnson Gaither (2016: 23–25) listed 10 attempts over a 40-year period to examine the degree of land dispossession via property inheritance rules. Studies of counties in the South suggest that significant portions of land of significant value to heirs is potentially impacted by inheritance laws. One study illustrates how cases involving 1,708 black landowners and approximately \$9 million of land value were apportioned to 3.8 million heirs. Another study examined 15,937 acres from 1,516 parcels, estimated to be worth \$25 million. In addition to investigating the financial value of the land, the study also conducted interviews with African American heirs and property owners to gain an understanding of the meaning of the property to them. Of the 60 African American interviewees, 60 percent have clear title to property and 40 percent are scheduled to inherit property (Hitchner, Schelhas, and Gaither Johnson 2017: 395–417).

Governmental Policies of the USDA

Overlapping the prolonged process of black land loss during the 20th century was the development of the structure and procedures of the

U.S. Department of Agriculture (USDA) that directly affected black farmland ownership. The USDA policies that contributed to dispossession of black farmers began with the New Deal under President Roosevelt and grew exponentially during the 1980s following the dismantling of the USDA's Office of Civil Rights Enforcement and Adjudication, or OCREA (Sanders 2013: 353). Specifically, the county committee system was problematic in that it managed federal money, but the employees were not considered to be government employees, and they did not reflect the racial diversity of their communities (Sanders 2013: 354; Mitchell 2001: 95).

The New Deal programs of the Roosevelt administration were ostensibly designed for the small-scale farmer, but they actually benefited the elite (Daniel 1994: 80). The Agricultural Adjustment Administration (AAA) and the Federal Emergency Relief Administration (FERA) oriented themselves primarily toward large farm operations to the detriment of small farmers (Daniel 1994: 90; Hinson and Robinson 2008: 290–291). The AAA, at the behest of powerful elites, destroyed the livelihoods of sharecroppers by driving them out of the labor force, denying them funding, and taking control of the county committees (Daniel 1994: 86).

The U.S. Department of Agriculture decentralized its county-level operations with the creation of locally elected county committees of three to five local farmers under the provisions of the Soil Conservation and Domestic Allotment Act of 1935 (P.L. 74-46). Although the committee system had the appearance of a democratic procedure, it was far from it. From 1935 to 1965, few African Americans in the South were allowed to vote in the election of committee members, who, in turn, elected a county executive to carry out administrative functions of USDA programs. Even after the Voting Rights Act of 1965 gave black farmers the chance to vote in these elections, powerful local interests (white owners of large farms or related industries) maintained a solid grip on most county committees. The devolution of power was theoretically based upon democratic principles. It “empowered local citizenry and local interests to over-rule federal policy, especially as the power rested in the elite landowners' hands” (Hinson and Robinson 2008: 292). Thus, nominal democracy gave power to

county supervisors, increased the focus on large farm operations, and provided little support for small farms, including those of African Americans (Hinson and Robinson: 2008: 293). This is how racism entered the system of USDA local support programs in a major way:

The geographical space (the county) defines the political space (who becomes representatives or members of the county committee). The all-white composition of those committees turned the race-neutral process of determining local eligibility into one of domination and subordination. (Havard 2001: 337)

This finding was confirmed by Wu, Escalante, Gunter, and Epperson (2012: 17), who found support for the claim by African Americans that “more dominant, favorable financial credibility” existed for whites than for nonwhite farmers.

As a result of the county committee system, black farmers were disenfranchised for many decades by being denied access to USDA programs that were open to whites in the same regions. The actions taken by the county committees included “denying loans, refusing to give African-American farmers loan applications, providing loans late, attaching restrictive conditions, or granting loans in insufficient amounts” (Sanders 2013: 355). After OCREA was abolished, complaints were ignored or discarded, all without any recourse. That situation ultimately led to foreclosures and failed operations. The USDA (1997: 30) admitted to these allegations:

Minority farmers have lost significant amounts of land and potential farm income as a result of the discrimination by FSA [Farm Service Agency] programs and the programs in predecessor agencies, ASCS [Agricultural Stabilization and Conservation Service] and FmHA [Farmers Home Administration]. Socially disadvantaged and minority farmers said USDA is part of a conspiracy to take their land and look to USDA for some kind of compensation for their losses.

Subsequently, the USDA (1997: 58–92) engaged in 12 listening sessions and then outlined 92 recommendations for further action.

Daniel (1994: 79–80) asserted that agribusiness displaced labor-intensive farming in the rural South. Additionally, he maintained that the

USDA and the county committee system replaced the courts in mediating decisions between owner and tenant. As a result, elite white institutional racism became entrenched. Tenant farmers generally, and black farmers in particular, were caught in the crossfire of bureaucratic conflicts.

The Agricultural Stabilization and Conservation Service (ASCS) was set up as part of USDA in the 1930s to provide technical assistance to farmers and price supports to protect farmers from price fluctuations. But when ASCS services were provided differentially in some counties to whites but few blacks, the net effect was to hasten the loss of land by black farmers and to increase the ability of white farmers to buy the black-owned farms when they were put up for auction. Grim (1996: 330–331) summarized the exclusion of blacks from the ASCS structure:

This exclusion was compounded by the discriminatory operation of the county committee elections. In rural communities, powerful people, especially the planter class, have a great opportunity to punish their local opponents with a wide range of economic, social, and political weapons. As a result, intimate acquaintanceship with and participation in the local community may lead not to even-handed justice but to subservience to the powerful and neglect of the weak. The lost opportunity to develop African American leadership, to further democratic procedures in federal programs, and to accelerate the economic advancement of black farmers have been the high costs of failure of ASCS to assume responsibility for the manner in which elections for its programs were conducted in those areas of the county where blacks had been denied the ballot.

Numerous grievances were filed against the USDA over the years for failure to supervise the county committees. The latter unfairly and illegally failed to provide black farmers with loan applications, technical support and processing of the various applications, and timely submissions and assistance, and failed to offer information about various programs, including programs for socially disadvantaged farmers and beginning farmers. The result was foreclosure and loss of land by an untold number of black farmers.

Blacks were denied opportunities to receive loans for operating expenses, funds to purchase additional land, or even disaster relief

funds. Willie Head (2005), a black farmer from southern Georgia, reported the following:

At one point, me and my father took the ... free press newspaper to the county supervisor and it read that they had funds available for farmers to produce certain things and this county supervisor looked at us and told my father and me, "Yes, there's money in here, but there's none in here for you all." He openly ... told us that.

Willie Head's experience was not unusual. In fact, it was the normal way black farmers were treated by the county committees, which determined who was eligible for USDA programs. Whether they were openly racist, as in his case, or secretive about their motives, the result was the same: black farmers suffered directly as a result of USDA devolution of power to the county level. Without access to loans in a timely fashion, many black farmers lost their land through foreclosure.

An example of how this process has worked in recent years is the case of Eddie Wise, a black farmer who described his experience in a radio interview (Letson 2017). He and his wife planned to start a pig-breeding operation. They prepared all of the paperwork for it and submitted it to the county. They were denied a loan at the local level, but they won an appeal at the state level. They bought the land, but they needed operating funds to repair a roof and other matters in 1997. For that they needed a second loan. The \$170,000 operating loan was approved. Eddie scheduled the repairs, and put money down on dozens of breeding pigs, but the loan officer delayed the release of his operating loan—for seven months, according to Eddie. Unable to do the necessary repairs, 400 pigs froze to death, which was a catastrophic loss. Several months later, Eddie was attempting to get back to making his pig farm operation work. He requested and received a large packet of materials from the Farm Service Agency. Eddie discovered that his loan officer had changed the operating plan without his permission and the revised plan did not show any cash flow. Yet, inside the packet was a document indicating that his original plan had been approved and that he was eligible for "primary loan service and action." His new loan officer never told him. Shortly

thereafter, a denial came. Such manipulation is against the rules. After he and his wife were removed forcibly from their farm, she died. The land was sold at auction to the next-door neighbor.

One might attribute this situation to bureaucratic incompetence, except for the fact that such incompetence happened repeatedly to African American farmers much more than to white farmers. The USDA (1997: 8) in its forums around the nation learned that substandard treatment of African Americans was partially a product of the department's internal incentives:

One example of a “broken” system is that field-level employees, those closest to farmers, often work under an incentive system that is adverse to serving minority and other small producers. Minority and small farmers said that their loans are processed too late, if at all, and that often, “the money is gone” by the time they are approved. Field employees' performance ratings are often based on measurement systems that favor large, wealthy landowners. County loan officers are rewarded based on the total number of acres served by program dollars, for having low default rates, and for dispensing all of the funds allocated to them—a performance management system that rewards service to large, financially sound producers while working against small and minority farmers.

Thus, in addition to the clear racial bias that farmers like Willie Head and Eddie Wise encountered, there was also a bias built into the policies and procedures followed by employees of the USDA.

The case of Matthew and Florenza Grant is also illustrative. Their case against USDA (eventually dismissed on technical grounds) alleged failure to provide loan applications, absence of technical assistance in the loan process, failure to provide information about guaranteed loan opportunities, and failure to process loans in a timely fashion, as well as the USDA's failure to investigate its own county supervisor:

On three separate occasions, the USDA and the DOJ admitted that discrimination had occurred. On each of these three occasions, they finagled their way out of honoring due process. (Grant 2017)

Wood and Ragar (2012: 21) further explored the Grant family case, the resettlement community of Tillery, North Carolina, and the persistent inequality of blacks versus whites:

A glance northwest toward the timeless Roanoke reveals an innocuous brushy wood lying in the middle of a farm field, unkempt and untilled. The indentations scattered throughout the wood are the sunken graves of the former enslaved who once worked the plantation that has since been partitioned to yield part of the Grant farm. The cemetery of the enslaved stands as a poignant reminder of the area's slave-holding past, connecting the struggles of the Grant family to a much larger and more inimical tradition of racial inequality. The Grant family farm stands, listing for the time being, in staunch defiance of the persistent mechanisms used to maintain racial inequality. It represents emancipation, equality, and opportunity. Sharing physical and cultural space along a continuum from bondage to freedom, the farm and cemetery symbolically encapsulate the colonial origins of global racism and nearly five hundred years of struggle.

The Office of Civil Rights was established in 1971 in the USDA during the Nixon administration to address these issues of racial bias in the implementation of USDA programs. However, it was closed by President Reagan in 1981. It was reopened by President Clinton. By the 1990s, however, a great deal of damage had been done, and the tide of African American complaints against the USDA remained unabated (Hinson and Robinson 2008: 294–295). Discrepancies between whites and blacks on loan applications, failure to distribute funding assistance to minority farmers, and other matters eventually found their way into public space when Secretary Glickman established open forums around the country for farmers to explain to senior USDA staff the kinds of discrimination they had experienced. Based on those public meetings, Secretary Glickman appointed the Civil Rights Action Team, which published 92 recommendations for change (USDA 1997: 58–92).

The Pigford Class Action Suit: An Effort to Achieve Justice

The cases discussed above point to policies of the U.S. Department of Agriculture that systematically deprived African American farmers of their land, starting with the New Deal. What might have appeared to be race-neutral policies at USDA headquarters were in fact highly biased policies when examined in the light of local practices, particularly in the South. By delaying and dragging out loan application procedures, denying or altering farm operation applications, or

providing insufficient loans with delays, powerful white landowners, who largely controlled the county committees created by USDA, were able to force black farmers into foreclosure. Even the USDA admitted that racism entered into the distribution of federally supported loans to black farmers.

When the Farm Service Agency (FSA) of the USDA commissioned Miller and Associates in 1994 to investigate bias within its programs, numerous allegations of racial bias in the management of the FSA were uncovered. From 1990 to 1995, “gross discrepancies” in USDA collection and handling made it impossible to determine the extent of racial bias in loans, disaster payments, or crop payments (Feder and Cowan 2013: 3). The USDA action plan that emerged in 1997 from the 92 recommendations for change of the Civil Rights Action Team was also regarded as inadequate by many of the farmers who had been harmed by USDA policy. As a result, a large number of black farmers decided to sue the USDA for damages.

A confluence of forces merged ultimately to create the *Pigford* class action suit (*Pigford v. Glickman* 1997; *Brewington v. Glickman* 1998; U.S. District Court, Office of the Monitor 2012a). Years of discrimination at the hands of the USDA and its officials, uncounted complaints filed with a nonexistent Office of Civil Rights, and a groundswell of activist groups, including the Black Farmers and Agriculturalists Association, the National Black Farmers Association, the Land Loss Prevention Project, the Federation of Southern Cooperatives, and the Environmental Working Group, among others, led to the *Pigford* case (Grim 2012; Hinson and Robinson 2008: 294–296). The damages alleged in the suit dated back to 1981 when the Office of Civil Rights at USDA was closed. The plaintiffs certified in the suit were all black farmers who had filed discrimination complaints against USDA at any time from 1983 to 1997. Before the case went to trial, a consent decree was negotiated. The federal government agreed to compensate black farmers along two “tracks” with either 1) a fixed payment of \$50,000 plus loan forgiveness and reduced tax liability, or 2) a larger amount based on specific, verifiable claims made by individual farmers. Looking forward, the consent decree also enjoined USDA to

improve its internal management procedures to avoid racial discrimination in the future.

Legal counsel for plaintiffs transitioned from James Myart to Al Pires, and when trust between white attorneys and black litigants became evident, the law firm of Chestnut, Sanders, and Sanders in Selma, Alabama, became participants. Reimbursement transitioned from successful litigants paying attorneys fees to fee reimbursement by the federal government (Zippert and Watson 2001: 153–154). Numerous legal matters were ultimately determined, including the statute of limitations, the role of the “similarly situated white farmer,” the two-track system, and articulation of reforms. The names of Timothy Pigford and Cecil Brewington were attached to two separate actions as part of the class action suit. Initially it was estimated that 661 to 2,000 farmers would be class members as defined by the USDA’s discriminatory practices (Sanders 2013: 361). Ultimately, over 22,000 claims were processed with more than 13,000 prevailing under either part of the two-track system. Later, the case was reopened for “late claimants,” and the majority of an estimated 70,000 farmers who had been excluded were then eligible for justice via what was labeled as “*Pigford II*” (Sanders 2013: 361). In excess of \$1 billion was allocated for *Pigford* and an additional \$1 billion for *Pigford II* (Black Farmers Claims Administrator 2011; U.S. District Court, Office of the Monitor 2012b).

However, money alone cannot compensate the tens of thousands of victims of USDA policies. The ownership of a farm represented a way of life, not merely an income. Even when a farmer prevailed under either track with a payment and debt relief, the land was gone and it was not coming back. An alternative method of compensation, recommended by Mitchell (2001: 576–577) would have restored the land to black farmers who were dispossessed:

Given the demonstrated significance of African American landownership and the acknowledged, widespread discriminatory conduct of the USDA, the USDA should return any formerly black-owned land in its inventory to any prior owners who are members of the *Pigford* class, including that which was foreclosed upon and now in the hands of another owner.

The return of land may sound radical, but it is in keeping with the philosophy that set so many African Americans on the course of land acquisition in the 19th century. Farming offered a degree of economic autonomy for former slaves, and that autonomy was priceless.

Conclusion

The path from the shores of Africa to modern day farming via the antebellum South, the Reconstruction era, and freedom was an arduous and painful process that few can begin to imagine. As millions embarked from slave ships in the Americas and 10 percent fewer disembarked, a dark day in American history had dawned.

Removed from their countries, cultures, and languages, these enslaved Africans both toiled under the brutal whip of slavery and invented ways to maintain their personhood. Their African world, which involved a rural, agricultural context, was not lost as they were forcibly removed to the United States. They inventively created ways and means of preserving some sense of dignity that involved various forms of property ownership and ultimately led to landownership. Despite being viewed as chattel property until freedom, many enslaved Africans created opportunities for themselves by selling their produce, working as artisans, or selling their labor. By doing so, they became owners of property despite slave codes that denied them this privilege.

While the overwhelming majority of freed Africans did not come to be landowners, significant numbers did eventually own their own land, tilling the soil in the ways they did in Africa and in the days of slavery. The path to landownership faced the treacherous political climate of Reconstruction with presidential, congressional, and regional threats, including changing laws and policies as well as the entrenchment of lynching to control freed African Americans. Cheap land, though oftentimes a lesser quality of land, favored new landowners. Du Bois (1907: 105) estimated that black farmers owned 3 million acres in 1875, 8 million in 1890, and 12 million in 1900. A variety of scholars estimate that African Americans owned 16 to 19 million acres in 1910 (Fite 1984; Gilbert, Wood, and Sharp 2000; Hinson and Robinson 2008; Wood and Gilbert 2000). However, between 1935 and

1959, the number of nonwhite farm operators declined by 67 percent, and the number of nonwhite full farm owners fell by 40 percent. The rate of decrease was much greater than for whites : 47 percent and 28 percent, respectively (U.S. Commission on Civil Rights, 1965: 6, 10).

This precipitous slide toward disenfranchisement and land loss remains relatively unabated to this day. In 2012, black farm operators numbered 46,582, or 1.5 percent, of U.S. farm operators, down from 13 percent in 1900 (USDA 2014). The average farm is significantly smaller for black-owned than for all farms (125 acres versus 434 acres). Government payments to the average U.S. farm exceed payments to black-owned farms (\$9,925 versus \$5,509) (USDA 2014). Primary and secondary data sources reveal both land acquisition as well as loss across regions of the South. The reasons behind land loss must continue to be explored. Major factors outlined within this article are systemic racism, USDA policies, the division of heirs' property through partition sales, and the evidence compiled by plaintiffs in the *Pigford* class action lawsuits.

The story of the dispossession of black farmers in the 20th century is important today not merely as a regrettable piece of American history but as reminder of how present conditions arose. Since the 1960s, the high rate of poverty among African Americans has been a national concern. But in the absence of any explanation, it might seem that their poverty is a product of bad personal choices or individual misfortune. Far too many analysts have treated the poverty of black families as a sign of their dysfunction or pathology, as if they had caused their own situation rather than living with few opportunities. To rectify those past inequities, reasonable areas of pursuit would include various policies to overcome wealth inequality in the American system as a whole, including home ownership, access to savings and tax benefits, employment opportunities, reduced labor and neighborhood segregation, and improved educational opportunities.

An important reason for studying the history of black landownership is to reveal why the attribution of poverty to personal pathology is mistaken. Some would attempt to explain black land loss as "they were just not very good farmers." The truth is much to the contrary. An understanding of what happened to the land painstakingly acquired

by black families during the darkest period of Jim Crow politics in the South is essential for recognizing that the situation in our day is not a product of individual failure. The simple fact that black farmers first acquired land faster than white farmers until 1920 and then lost it at a rate faster than white farmers after 1930 should raise questions. Why would a group that strove so hard to gain a degree of economic independence offered by owning farms suddenly give up on that strategy? The answer is that they did not. Instead, the policies of federal agencies and the legal rules regarding inheritance combined to squeeze hundreds of thousands of black farmers off the land. The Great Migration certainly played its role, and the brutality of lynchings and the threats thereof also were significant in demanding that blacks know their place and that place was not one of equality with whites.

We still do not fully understand how events transpired to reverse the gains that black families made in acquiring land from 1870 to 1920. Historians, sociologists, and economists should continue to study stories of black farmers, the contexts within which land acquisition and loss have occurred, and the plethora of factors that have precipitated these losses. The statistical evidence and the admission of policy failure by the USDA suggest that racial bias was a major factor in the dispossession of black families. If racial justice is ever to be achieved in the United States, it will require a full understanding of how past transgressions against African Americans have denied them full political and economic rights. The study of land dispossession by black farmers is an important part of that story.

Finally, as America explores and comes to understand the history of its racist past and the practices and attitudes that situated blacks and whites in distinct categories of personhood and societal functions, it can make amends and create a brighter future for all. Therein would be a response to Dr. Martin Luther King's dream spoken on August 28, 1963: "I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character."

References

- Alston, Lee J., and Robert Higgs. (1982). "Contractual Mix in Southern Agriculture Since the Civil War: Facts, Hypotheses, and Tests." *Journal of Economic History* 42(2): 327–353.
- Banks, Vera. (1986). *Black Farmers and Their Farms*. Agriculture and Rural Economics Division, Economic Research Service. U.S. Department of Agriculture. Rural Development Research Report Number 59. Washington, DC: U.S. Government Printing Office. <https://naldc.nal.usda.gov/naldc/download.xhtml?id=AGE86929124&content=PDF>
- Berlin, Ira, Marc Favreau, and Steven F. Miller, eds. (1998). *Remembering Slavery: African Americans Talk About Their Personal Experiences of Slavery and Emancipation*. New York: New Press.
- Bigelow, Daniel, Allison Borchers, and Todd Hubbs. (2016). U.S. Farmland Ownership, Tenure, and Transfer, EIB-161. U.S. Department of Agriculture, Economic Research Service. August 2016. http://www.farmlandinfo.org/sites/default/files/TOTAL_ERS_Aug2016.pdf
- Black Farmers Claims Administrator. (2011). *In re Black Farmers Discrimination Litigation Settlement*. Case 1:08-mc-00511-PLF. Portland, OR: Black Farmers Claims Administrator. <https://www.blackfarmercase.com/Default.aspx>
- Brewington v. Glickman. (1998). D.D.C. 98-1693. <https://www.dm.usda.gov/pigford.pdf>
- Browne, Robert. (1973). *Only Six Million Acres: The Decline of Black Owned Land in the Rural South*. New York: Black Economic Research Center.
- Canady, Neil. (2008). "The Accumulation of Property by Southern Blacks and Whites: Individual-Level Evidence from a South Carolina Cotton County, 1910–1919." *Explorations in Economic History* 45(1): 51–75.
- Canaday, Neil, and Charles Reback. (2010). "Race, Literacy, and Real Estate Transactions in the Postbellum South." *Journal of Economic History* 70(2): 428–445.
- Casper, Scott E. (2012). "Out of Mount Vernon's Shadow: Black Landowners in George Washington's Neighborhood, 1870–1939." *Beyond Forty Acres and a Mule: African American Landowning Families Since Reconstruction*. Eds. Debra A. Reid and Evan P. Bennett, pp. 39–62. Gainesville, FL: University Press of Florida.
- Chang, Yun-chien. (2018). "Tenancy in 'Anticommons'? A Theoretical and Empirical Analysis of Co-Ownership." *Journal of Legal Analysis* 4(2): 515–553. <https://academic.oup.com/jla/article-abstract/4/2/515/899422>
- Copeland, Roy. (2010). "The Nomenclature of Enslaved Africans as Real Property or Chattels Personal: Legal Fiction, Judicial Interpretation, Legislative Designation, or Was a Slave a Slave by Any Other Name." *Journal of Black Studies* 40(5): 946–959.

- . (2013). “In the Beginning: Origins of African American Real Property Ownership in the United States.” *Journal of Black Studies* 44(6): 646–664.
- Cowan, Tadlock, and Jody Feder. (2013). “The *Pigford* Cases: USDA Settlement of Discrimination of Black Farmers.” <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/RS20430.pdf>
- Curtin, Phillip D. (1972). *The Atlantic Slave Trade: A Census*. Madison, WI: University of Wisconsin Press.
- Daniel, Pete. (1985). *Breaking the Land: The Transformation of Cotton, Tobacco, and Rice Cultures Since 1880*. Chicago: University of Illinois Press.
- . (1994). “The Legal Basis for Agrarian Capitalism: The South Since 1921.” In *Race and Class in the American South Since 1890*. Eds. Melvyn Stokes and Rick Halpern, pp. 79–102. Providence, RI: Berg.
- . (2013). *Dispossession: Discrimination Against African American Farmers in the Age of Civil Rights*. Chapel Hill, NC: University of North Carolina Press.
- Drescher, Seymour. (2009). *Abolition: A History of Slavery and Antislavery*. New York: Cambridge University Press.
- Du Bois, W. E. B. (1901). “The Negro Landholder of Georgia.” *Bulletin of the United States Bureau of Labor*. No. 35, Volume VI (July): 89–219. https://fraser.stlouisfed.org/scribd/?toc_id=498059&filepath=/files/docs/publications/bls/bls_v06_0035_1901.pdf&start_page=89
- . ([1903] 2005). *The Souls of Black Folk*. Stilwell, KS: Digireads.
- . (1907). “The Economic Revolution in the South.” In *The Negro in the South: His Economic Progress in Relation to His Moral and Religious Development, Being the William Levi Bull Lectures for the Year 1907*. By Booker T. Washington and WEB Du Bois, pp. 77–122. Philadelphia: George W. Jacobs & Company. <https://archive.org/stream/negroinsouthhis00boisgoog>
- Eltis, David, and Martin Halbert. (2018). “The Trans-Atlantic Slave Trade Database.” <http://www.slavevoyages.org/>
- Environmental Justice Initiative. (n.d.). “The Legacy Museum: From Enslavement to Mass Incarceration.” <https://museumandmemorial.eji.org/>
- Equiano, Olaudah. ([1789] 2001). *The Interesting Narrative of the Life of Olaudah Equiano*. Unknown city: Hogarth Blake. <http://www.hh-bb.com/equiano.pdf>.
- Feder, Jody, and Tadlock Cowan. (2013). “Garcia v. Vilsack: A policy and legal analysis of a USDA discrimination case.” Congressional Research Service.
- Fite, Gilbert C. (1984). *Cottonfields No More: Southern Agriculture 1865–1980*. Lexington, KY: University Press of Kentucky.

- Foner, Eric. (1989). "Languages of Change: Sources of Black Ideology During the Civil War and Reconstruction." <http://discoverarchive.vanderbilt.edu/bitstream/handle/1803/7177/Q2.C16.foner.pdf>
- Franklin, John H. (1994). *Reconstruction After the Civil War*, 2nd ed. Chicago: University of Chicago Press.
- Franklin, John H., and Alfred A. Moss, Jr. (2000). *From Slavery to Freedom: A History of African Americans*, 8th ed. New York: Alfred A. Knopf.
- Gilbert, Jess, Gwen Sharp, and M. Sindy Felin. (2002). "The Loss and Persistence of Black-Owned Farms and Farmland: A Review of the Research Literature and its Implications". *Southern Rural Sociology* 18(2): 1–30.
- Gilbert, Jess, Spencer D. Wood, and Gwen Sharp. (2002). "Who Owns the Land? Agricultural Land Ownership by Race/Ethnicity." *Rural America* 17(4): 55–62.
- Grant, Gary. (2017). Personal communication with author. January 27.
- Grim, Valerie. (1996). "Black Participation in the Farmers Home Administration and Agricultural Stabilization and Conservation Service, 1964–1990." *Agricultural History* 70(2): 321–336.
- . (2012). "Between Forty Acres and a Class Action Suit: Black Farmers, Civil Rights, and Protest Against the U.S. Department of Agriculture, 1997–2010." In *Beyond Forty Acres and a Mule: African American Landowning Families Since Reconstruction*. Eds. Debra A. Reid and Evan P. Bennett, pp. 271–296. Gainesville, FL: University Press of Florida.
- Hahn, Steven. (2003). *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*. Cambridge, MA: Belknap Press.
- Hale, Grace E. (1998). *Making Whiteness: The Culture of Segregation in the South, 1890–1940*. New York: Vintage Books.
- Hargis, Peggy G. (1998). "Beyond the Marginality Thesis: The Acquisition and Loss of Land by African Americans in Georgia, 1880–1930." *Agricultural History* 72(2): 241–262.
- . (2004). "For the Love of Place: Paternalism and Patronage in the Georgia Lowcountry, 1865–1898." *Journal of Southern History* 70(4): 825–864.
- Havard, Cassandra. (2001). "African American Farmers and Fair Lending: Racializing Rural Economic Space." *Stanford Law & Policy Review* 12(2): 333–347.
- Head, Willie. (2005). Personal communication with author. October 25.
- Hinson, Waymon R., and Edward Robinson. (2008). "'We Didn't Get Nothing:' The Plight of Black Farmers." *Journal of African American Studies* 12(3): 283–302.
- Hitchner, Sarah, John Schelhas, and Cassandra Johnson Gaither. (2017). "A Privilege and a Challenge: Valuation of Heirs' Property by African

- American Landowners and Implications for Forest Management in the Southeastern US." *Small-Scale Forestry* 16(3): 395–417.
- Hurmen, Belinda, ed. (1984). *My Folks Don't Want Me to Talk About Slavery: Personal Accounts of Slavery in North Carolina*. Winston-Salem, NC: John F. Blair.
- Jakubek, Joseph, and Spencer D. Wood. (2018). "Emancipatory Empiricism: The Rural Sociology of W. E. B. Du Bois." *Sociology of Race and Ethnicity* 4(1): 14–34.
- Jefcoat, Uriah. (1866). "Unpublished Labor Contract." Lexington County, SC.
- Johnson Gaither, Cassandra. (2016). "Have Not Our Weary Feet Come to the Places for Which Our Fathers Sighed?" *Heirs' Property in the Southern United States*. Forest Service Research and Development. Southern Research Station. Asheville, NC: Southern Research Station.
- King, Katrina Quisumbing, Spencer D. Wood, Jess Gilbert, and Marilyn Sinkewicz. (2018). "Black Agrarianism: The Significance of African American Landownership in the Rural South." *Rural Sociology*." <http://onlinelibrary.wiley.com/doi/10.1111/ruso.12208/full>
- Letson, Al. (2017). "Interview with Eddie Wise. Reveal Radio." <https://www.revealnews.org/Episodes/losing-ground>.
- Littlefield, Daniel C. ([1981] 1991). *Rice and Slaves: Ethnicity and the Slave Trade in South Carolina*. Urbana, IL: University of Illinois Press.
- Litwack, Leon F. (1998). *Trouble in Mind: Black Southerners in the Age of Jim Crow*. New York: Alfred A. Knopf, Inc.
- Marable, Manning. (1979). "The Politics of Black Land Tenure: 1877–1915." *Agricultural History* 53(1): 142–152.
- McGee, Leo, and Robert Boone. (1977). "Black Rural Land Decline in the South." *Black Scholar* 8(7): 8–11.
- Milewski, Melissa. (2018). *Litigating Across the Color Line: Civil Cases Between Black and White Southerners from the End of Slavery to Civil Rights*. New York, NY: Oxford University Press.
- Miller, D. J., & Associates. (1996). "Disparity Study Final Report. Commissioned by the United States Department of Agriculture." <http://www.federationsoutherncoop.com/pigford/research/miller%20report/miller%20report.htm>.
- Mintz, Sidney W. ([1974] 1989). *Caribbean Transformations*. New York: Columbia University Press.
- Mitchell, Anthony B. (2008). "Self-Emancipation and Slavery: An Examination of the African American's Quest for Literacy and Freedom." *Journal of Pan African Studies* 2(5): 78–98.
- Mitchell, Thomas W. (2001). "From Reconstruction to Deconstruction: Undermining Black Landownership, Political Independence, and Community Through Partition Sales of Tenancies in Common."

- Northwestern University Law Review* 95: 505–580. <https://scholarship.law.tamu.edu/facscholar/783/>
- . (2014). “Reforming Property Law to Address Devastating Land Loss.” *Alabama Law Review* 66: 1–61. <https://scholarship.law.tamu.edu/facscholar/790>.
- Morgan, Edmund S. (1975). *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: W. W. Norton.
- Nathans, Sydney. (2017). *A Mind to Stay: White Plantation, Black Homeland*. Cambridge, MA: Harvard University Press.
- Pigford v. Glickman*. (1999). 185.F.R.D. 82; 1999 U.S. Dist.LEXIS 5220.
- Reid, Debra. (2000). “Rural African Americans and Progressive Reform.” *Agricultural History* 74(2): 322–339.
- Reynolds, Bruce J. (2002). *Black Farmers in America, 1865–2000: The Pursuit of Independent Farming and the Role of Cooperatives*. RBS Research Report #194. Washington, DC: U.S. Department of Agriculture, Rural Business-Cooperative Service, and Washington, DC: CCR Publications Management Division.
- Sanders, Kendaka Jamal. (2013). “Re-Assembling Osiris: Rule 23, the Black Farmers Case, and Reparations.” *Pennsylvania State Law Review* 118: 339–373.
- Schomburg Center for Research in Black Culture, Jean Blackwell Hutson Research and Reference Division, The New York Public Library. (1929). Original caption: *A Hoe-crew of Negro Men and Women in a Young Cotton Field, Aliceville, Alabama*. <http://digitalcollections.nypl.org/items/510d47de-1a34-a3d9-e040-e00a18064a99>
- Schultz, Mark. (2005). *The Rural Face of White Supremacy: Beyond Jim Crow*. Urbana: University of Illinois Press.
- Schweninger, Loren. (1990). *Black Property Owners in the South, 1790–1915*. Chicago, IL: University of Chicago Press.
- Scotus Americanus. (1773). *Informations Concerning the Province of North Carolina: Addressed to Emigrants from the Highlands and Western Isles of Scotland/by an Impartial Hand*. Glasgow, Scotland: Printed for J. Knox and C. Elliot. <https://catalog.hathitrust.org/Record/012192374/Cite>
- Thomas, Miessha, Jerry Pennick, and Heather Gray. (2004). “What Is African American Land Ownership?” <http://federationsoutherncoop.com/aaland-own04.htm>
- Tolnay, Stewart E., Glenn Deane, and Ellwood M. Beck. (1996). “Vicarious Violence: Spatial Effects on Southern Lynchings, 1890–1919.” *American Journal of Sociology* 102(3): 788–815.
- U.S. Census Bureau. (1902). *Twelfth Census of the United States, Taken in the Year 1900. Volume V. Agriculture, Part 1, Farms, Live Stock, and Animal Products*. Washington, DC: U.S. Government Printing Office.

- <https://www.census.gov/content/census/en/library/publications/1902/dec/vol-05-agriculture.html>
- . (1922). “Farm Statistics by Color and Tenure of Farmer.” *Fourteenth Census of the United States. Volume 5. Agriculture, General Report and Analytical Tables*. Chapter 4. Washington, DC: U.S. Government Printing Office. <https://www2.census.gov/library/publications/decennial/1920/volume-5/06229676v5ch03.pdf>
- U.S. Commission on Civil Rights. (1965). *Equal Opportunity in Farm Programs: An Appraisal of Services Rendered by Agencies of the United States Department of Agriculture: A Report of the United States Commission on Civil Rights 1965*. Washington, DC: U.S. Government Printing Office. <https://www.law.umaryland.edu/marshall/usccr/documents/cr12f22c2.pdf>
- . (1982). *The Decline of Black Farming in America. A Report of the United States Commission on Civil Rights*. Washington, DC: U.S. Government Printing Office.
- U.S. Department of Agriculture. (1997). *Civil Rights at the United States Department of Agriculture: A Report of the Civil Rights Action Team*. Washington, DC: U.S. Government Printing Office. <http://www.federationsoutherncoop.com/pigford/research/CRAT%20Report%201997.pdf>
- . (1999). “Agricultural Economics and Land Ownership Survey.” *1997 Census of Agriculture*. Volume 3, Part 5. http://agcensus.mannlib.cornell.edu/AgCensus/getVolumeTwoPart.do?volnum=3&year=1997&part_id=966&number=5&title=Agricultural%20Economics%20and%20Land%20Ownership%20Survey
- . (2014). “Race/Ethnicity/Gender Profile.” *2012 Census of Agriculture*. https://www.agcensus.usda.gov/Publications/2012/Online_Resources/Race,_Ethnicity_and_Gender_Profiles/cpd99000.pdf
- U.S. District Court for The District Of Columbia. (2011). “In Re Black Farmers Litigation Settlement Agreement.” Case 1:08-mc-00511-PLF. <https://www.blackfarmercase.com>.
- . (2012a). *Pigford v. Vilsack* (D.D.C.) and *Brewington v. Vilsack* (D.D.C.) <http://media.dcd.uscourts.gov/pigfordmonitor>.
- . (2012b). “National Statistics Regarding *Pigford v. Vilsack* Track A Implementation as of February 16, 2012.” <http://media.dcd.uscourts.gov/pigfordmonitor/stats/>
- Volanto, Keith J. (2012). “James E. Youngblood: Race, Family, and Farm Ownership in Jim Crow Texas.” In *Beyond Forty Acres and a Mule: African American Landowning Families Since Reconstruction*. Eds. Debra A. Reid and Evan P. Bennett, pp. 63–82. Gainesville, FL: University Press of Florida.

- Walker, Frances A. (1870). "Compendium." *Ninth Census [of the United States]*. Washington, DC: Government Printing Office. <https://www2.census.gov/library/publications/decennial/1870/compendium/1870e-02.pdf>
- Williams, Eric. ([1944] 1994). *Capitalism and Slavery*. Chapel Hill, NC: University of North Carolina Press.
- Wise *et al. v. Glickman*. (2000). "Class Action Complaint for Declaratory and Injunctive Relief and Complaint for Individual Damages (Demand for Jury)." U.S. District Court of the District of Columbia, Civil Action No. 00CV2508(JR).
- Wood, Spencer D., and Jess Gilbert. (2000). "Returning African American Farmers to the Land: Recent Trends and a Policy Rationale." *Review of Black Political Economy* 27(4): 43–64.
- Wood, Spencer D., and Cheryl Ragar. (2012). "Grass Tops Democracy: Institutional Discrimination in the Civil Rights Violations of Black Farmers." *Journal of Pan African Studies* 5(6): 16–36.
- Work, Monroe. (n.d.). "Monroe Work Today." <http://www.monroeworktoday.org/>
- Wu, Ya, Cesar L. Escalante, Lewell F. Gunter, and James E. Epperson. (2012). "A Decomposition Approach to Analysing Racial and Gender Biases in Farm Service Agency's Lending Decisions." *Applied Economics* 44(22): 2841–2850.
- Young, Harvey. (2005). "The Black Body as Souvenir in American Lynching." *Theatre Journal* 57(4): 639–657.
- Zippert, John, and Gabrielle Watson. (2001). "United States: Black Farmers' Rights and the Struggle for Land." In *Advocacy for Social Justice: A Global Action and Reflection Guide*. Eds. David Cohen, Rosa de la Vega & Gabrielle Watson, pp. 147–158. Bloomfield, CT: Kumarian Press.